IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

Bail Appl..No. 5738 of 2007()

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CRIME NO.370/07 OF PERAMBRA POLICE STATION

: PETITIONERS

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1. JITHU, AGED 24 YEARS, S/O. BALAN,
THEKKE CHEEKILOTU, PERAMBRA P.O., KOZHIKODE.

2. SUMATHY T.C., AGED 45 YEARS,
W/O. BALAN, THEKKE CHEEKILOTU, PERAMBRA P.O.,
KOZHIKODE.

3. BALAN K., AGED 54 YEARS,
S/O. LATE RAVUNNI, THEKKE CHEEKILOTU,
PERAMBRA P.O., KOZHIKODE.

4. JANU T.C., AGED 70 YEARS,
W/O. LATE RAGHAVAN, THEKKE CHEEKILOTU,
PERAMBRA P.O., KOZHIKODE.

BY ADV. SRI.C.V.MANUVILSAN
SRI.E.C.BINEESH

RESPONDENTS:

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STATE OF KERALA, REP. BY
THE S.I. OF POLICE, PERAMBRA POLICE STATION,
THROUGH PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R.BASANT, J**

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**B.A.No.5738 of 2007**

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**Dated this the 25th day of September, 2007**

**ORDER**

Application for anticipatory bail. The petitioners are the husband of the defacto complainant and his relatives. They apprehend arrest on the allegation that they have committed the offence punishable under Section 498 A I.P.C. The learned Public Prosecutor at the outset submits that the 4th petitioner is not an accused and her apprehension that she may be arrested as an accused in the crime is unjustified. Her prayer for anticipatory bail can hence be dismissed accepting the submission of the learned Public Prosecutor .

2. The learned counsel for the petitioner submits that the allegations are totally false. The marriage took place on 5.4.07. There are problems of maladjustment for the young wife. There is consequently strain in the matrimonial tie. The relatives of the defacto complainant are not interested in solving the problem, but they are only adding fuel to fire. The petitioners may, in these circumstances, be granted anticipatory bail. Exaggerated and false allegations are being raised on account of the strain in the marital tie, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. The learned Public Prosecutor points out that there is no injury suffered by the victim corresponding to the allegations of physical cruelty.

4. Having considered all the relevant inputs, I am satisfied that petitioners 1 to 3 can be granted anticipatory bail.

5. In the result, this Application for anticipatory bail is allowed in part. The following directions are issued under Section 438 Cr.P.C in favour of petitioners 1 to 3. The prayer of the 4th petitioner is rejected as her apprehension is found to be baseless and groundless.

i) Petitioners 1 to 3 shall appear before the learned Magistrate at 11 a.m on 03.10.2007. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) Petitioners 1 to 3 shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 04.10.07 and 05.10.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of one month. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If petitioners 1 to 3 do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If petitioners 1 to 3 were arrested prior to their surrender on 03.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 03.10.07.

**(R.BASANT, JUDGE)**

rtr/-